

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRONTIER CORPORATION and	:	CIVIL ACTION
FRONTIER COMMUNICATION	:	
SERVICES, INC.	:	
	:	
v.	:	
	:	
TELCO COMMUNICATIONS GROUP,	:	
INC., DIANNE SMITH AND	:	
ANN OTT	:	NO. 97-4796

MEMORANDUM ORDER

Presently before the court is plaintiffs' request for a hearing on their Motion for Preliminary Injunction in the above case which was filed with a complaint on July 24, 1997. Plaintiffs' counsel seems to suggest that a hearing is overdue. Counsel fails to note that the motion for a preliminary injunction had no certificate of service, that proof of service was not filed until August 8, 1997 and that plaintiffs did not aver that they had otherwise provided any notice to defendants of the suit and request for entry of a preliminary injunction against them. No defendant has engaged counsel, at least none that have entered an appearance. Perhaps plaintiffs mistakenly believe they requested a temporary restraining order.

A court has no authority to grant a preliminary injunction against a party in the absence of personal jurisdiction or appropriate notice. See, e.g., Granny Goose Foods, Inc. v. Brotherhood of Teamsters, 415 U.S. 423, n.7 (1974) (preliminary injunction may not issue against defendant without reasonable opportunity to oppose request and to prepare for such opposition); People of State of Ill. ex rel. Hartigan v. Peters,

871 F.2d 1336, 1340-41 (7th Cir. 1989). The federal rules provide a party with 20 days to respond to a complaint and the local rules provide a party with 14 days within which to answer a motion. Also, in connection with a motion for preliminary injunction, a party is normally permitted to conduct sufficient discovery to defend against the request. The court cannot begin to discern what type or amount of discovery might be necessary or appropriate until it receives and reviews defendants' responses.

The court will direct defendants to file their responses to plaintiffs' motion no later than Monday, August 18, 1997 and will direct both parties to advise the court by that date as to what discovery they require to proceed effectively in this matter. The court will then enter an order setting the most expeditious discovery schedule which appears to be feasible and appropriate, and a date for a hearing on plaintiffs' motion.

**ACCORDINGLY**, this                      day of August, 1997, **IT IS HEREBY ORDERED** that defendant corporation shall have until August 18, 1997 to appear through counsel, see Rowland v. California Men's Colony, 506 U.S. 194, 202 (1993), and by that date defendants shall file any responses to plaintiffs' Motion for Preliminary Injunction and all parties shall advise the court of any discovery which may be required effectively to litigate and fairly to resolve that Motion.

**BY THE COURT:**

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JAY C. WALDMAN, J.